



BEFORE THE MONTGOMERY COUNTY ETHICS COMMISSION

Advisory Opinion No. 10-08-015

An employee cannot participate in a matter if the employee knows or reasonably should know that any party to the matter is a business in which the employee is an officer, director, trustee, partner, or employee. An employee seeks to serve as an unpaid member of a governmental advisory committee in a neighboring county. The employee may serve on the advisory committee because the committee is not a “business” under the ethics law.

Section 19A-11(a)(2)(A) states that an employee cannot participate in a matter if the employee knows or reasonably should know that any party to the matter is a business in which the employee is an officer, director, trustee, partner, or employee. The ethics law defines a business as “any for-profit or non-profit enterprise, including a corporation, general or limited partnership, sole proprietorship, joint venture, association, firm, institute, trust, or foundation. Business does not include a County agency, but includes an independent fire department or rescue squad.” § 19A-4(b).

There is no conflict between the employee’s service to the County and his service on the advisory committee because a governmental advisory committee is not a “business.” Moreover, even if a governmental advisory committee could be considered a “business” under the ethics law, the employee will not be an officer, director, trustee, partner, or employee of that “business.” Thus, there is no conflict.

In reaching this decision the Commission has relied upon the facts as presented by the requestor.

FOR THE COMMISSION:

August 10, 2010

Date

Stuart Rick, Chair